

CITY COUNCIL AGENDA

MARCH 30, 2004

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:33 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None.

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None.
- **Invocation (District 3)**
Father William Stout, San José Fire Chaplain recited a prayer of understanding, wisdom, fortitude, and guidance.
- **Pledge of Allegiance**
Mayor Gonzales introduced the Color Guard Unit of the San José Fire Department.

Mayor Gonzales and the Color Guard Unit led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day, and the Amended Agenda were approved.

1 CEREMONIAL ITEMS

- 1.1 Administer the Oath of Office for Jeff Clet, Fire Chief. (City Manager's Office/City Clerk's Office)

(Deferred from 3/16/04 – Item 1.1)

Mayor Gonzales invited City Manager Del Borgsdorf, Fire Chief Jeff Clet, and Former Fire Chief Vince Clet to the podium. Mayor Gonzales mentioned former City Council Member John Diquisto was also in the audience for this occasion. Mayor Gonzales commented the City of San José's Firefighters are responsive, creative and effective as they meet the challenging needs of the neighborhoods, resulting in a long tradition of leadership, which has made the City's Fire Department one of the best in the nation. He remarked the Firefighters are dedicated to the highest standards of the fire profession keeping the community safe through partnership and prevention. Mayor Gonzales introduced Former Fire Chief Vince Clet who began his leadership role 26 years ago today. Former Fire Chief Vince Clet thanked Mayor Gonzales and the City Council for their support, and stated he and his wife are proud and honored parents, and pinned his own badge on his son Fire Chief Jeff Clet. Fire Chief Jeff Clet thanked Mayor Gonzales, the City Council, City Manager Borgsdorf, the Fire Department Staff, his wife Kim Clet, other family members, and his father for all their support. Mayor Gonzales introduced Acting City Clerk Deanna J. Santana who administered the Oath of Office for Fire Chief Jeff Clet.

- 1.2 Presentation of a commendation recognizing the Sustainable Silicon Valley Initiative. (LeZotte; Mayor)

(Rules Committee referral 3/24/04)

Mayor Gonzales was joined at the podium by Council Member LeZotte to present a commendation in recognition of the Sustainable Silicon Valley Initiative. Council Member LeZotte invited Jennifer Smith-Grubb, Margaret Bruce, and Peter Melhus to the podium. Council Member LeZotte remarked that the Sustainable Silicon Valley Initiative, a pioneering multi-stakeholder dialogue, has brought together CAL/EPA, Silicon Valley Manufacturing Group, and the Silicon Valley Environmental Partnership to identify environmental pressures in the region. Council Member LeZotte stated everyone is encouraged by the leadership that Silicon Valley is showing with respect to climate change, and a few top names are, Hewlett Packard, Oracle, PG&E, Calpine, Lockheed Martin, Alza, Lifescan, Acteena Solar, NASA, Santa Clara Valley Water District, and the City of San José. Mayor Gonzales, on behalf of Council Member LeZotte, and the City Council presented awards to Jennifer Smith-Grubb, CAL/EPA, Margaret Bruce, Silicon Valley Manufacturing Group, and Peter Melhus, Silicon Valley Environmental Partnership for their collaboration in innovative ways to save money through energy efficiency, share and use best practices for resource use, and for gaining recognition for the region's international leadership for creativity.

1 CEREMONIAL ITEMS

- 1.3 Commendation to the San José YWCA Rape Crisis Center for their commitment in providing support services and education to the community. (Dando)
(Orders of the Day)

Mayor Gonzales was joined at the podium by Vice Mayor Dando to commend and recognize Sandy Shore Davis, Rape Crisis Director, for her outstanding contributions and commitment for over 20 years to the San José YWCA Rape Crisis Center. Vice Mayor Dando invited Ms. Davis to the podium, stating Ms. Davis was instrumental in beginning the San José YWCA Rape Crisis Center and Hotline. Vice Mayor Dando remarked that Ms. Davis carries a pager 24/7, and during that time period she is open to all calls that come in. Vice Mayor Dando stated Ms. Davis' overcame barriers and challenged people's beliefs by dispelling the myths that surround sexual assault, and the Rape Crisis Center is the direct result of her work over the years by creating strong networks, standardizing processes for tracking cases, and writing proposals for rape crisis service and funding. She stated that Ms. Davis accompanies rape survivors to the hospital, police interviews, and supports them as they testify in court, and also trains volunteers and staff. Mayor Gonzales presented the award to Ms. Davis on behalf of Vice Mayor Dando, the City Council, and the City of San José recognizing her outstanding achievements, the love, strength and dedication she has provided for helping those individuals that are in crisis, and for being an inspiration to all. Ms. Davis thanked Mayor Gonzales and the City Council for their support.

- 1.4 Presentation of a commendation to the San José Earthquakes for a successful season.
(Mayor) (Orders of the Day)

Mayor Gonzales was joined at the podium by Council Member Yeager to present a commendation to the San José Earthquakes for a successful season. Mayor Gonzales invited San José Earthquakes Owner Dominic Kinnear, General Manager Alexi Lalas, and a few team members of the Earthquakes to the podium. Mayor Gonzales stated that the San José Earthquakes were last year's Major League Soccer (MLS) Champions, and wanted to take this opportunity to celebrate the Earthquakes team's presence in the City of San José. Mayor Gonzales acknowledged the fact that the Earthquakes won the National League Soccer Cup on November 23, 2003 for the second time in three years. Mayor Gonzales stated San José Earthquakes' Forward Landon Donovan was named the MLS Cup Most Valuable Player for his two goal performance and win, and the MLS Goal Keeper of the Year, Pat Onstad made nine saves, including a dramatic stop of the late game penalty kick. Mayor Gonzales remarked the Earthquakes continue to bring the excitement of soccer to San José, and have earned the well deserved pride of the residents. He added the Earthquakes also carry on a tradition of being involved with the youth of the City of San José. Mayor Gonzales, on behalf of Council Member Yeager, and the City Council, recognized and commended the players, coaches and owners of the San José Earthquakes for winning their second Major League Soccer Championship and for making San José proud to have such committed and talented athletes representing this great City.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of March 9, 2004
- (b) Joint City Council/Redevelopment Agency Board meeting of March 9, 2004

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 27088 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to add a Cahill Park Residential Permit Parking Program.
Ordinance No. 27088 adopted.
- (b) ORD. NO. 27089 – Amends Chapter 11.48 of Title 11 of the San José Municipal Code to add a Delmas Park Neighborhood Permit Parking Program.
Ordinance No. 27089 adopted.
- (c) ORD. NO. 27090 – Amends Chapter 11.24 of Title 11 of the San José Municipal Code to add a new section to designate Seventeenth Street between San Fernando Street and San Antonio Street as a one-way street.
Ordinance No. 27090 adopted.
- (d) ORD. NO. 27091 – Amends Title 20 of the San José Municipal Code to revise provisions relating to the Downtown Zoning Districts.
Ordinance No. 27091 adopted.
- (e) ORD. NO. 27092 – Rezones certain real property situated in the area generally bounded by Balbach Street (north), South Market Street (east), Interstate 280 (south), and Almaden Boulevard (west), to DC Downtown Commercial Neighborhood Transition 1 Zoning District. C 03-072
Ordinance No. 27092 adopted.
- (f) ORD. NO. 27093 – Rezones certain real property situated on the north side of Berryessa Road, approximately 50 feet easterly of Mabury Road (929 Berryessa Road), to A(PD) Planned Development Zoning District. PDC 03-106
Ordinance No. 27093 adopted.
- (g) ORD. NO. 27094 – Rezones certain real property situated on the easterly side of Vera Lane, approximately 100 feet westerly of Roeder Road, to A(PD) Planned Development Zoning District. PDC 03-031
Ordinance No. 27094 adopted.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances. (Cont'd)

- (h) ORD. NO. 27095 – Rezones certain real property situated on the east side of Boynton Avenue, approximately 150 feet north of Underwood Drive, to A(PD) Planned Development Zoning District. PDC 03-063
Ordinance No. 27095 adopted.
- (i) ORD. NO. 27096 – Rezones certain real property located on the east side of South Cypress Avenue, approximately 70 feet northerly of Adra Avenue, to A(PD) Planned Development Zoning District. PDC 03-055
Ordinance No. 27096 adopted.
- (j) ORD. NO. 27097 – Rezones certain real property situated at the northwest corner of Almaden Avenue and W. Virginia Street to A(PD) Planned Development Zoning District. PDC 02-057
Ordinance No. 27097 adopted.
- (k) ORD. NO. 27098 – Rezones certain real property situated on the north side of Blossom Hill Road opposite the terminus of Croydon Avenue, to A(PD) Planned Development Zoning District. PDC 03-088
Ordinance No. 27098 adopted.
- (l) ORD. NO. 27099 - Rezones certain real property situated on the south side of Wabash Street, approximately 440 feet easterly of North First Street (also approximately 460 feet easterly of Archer Street) to R-M Residential Zoning District. C 04-005
Ordinance No. 27099 adopted.
- (m) ORD. NO. 27100 – Rezones certain real property situated on the north side of Hillsdale Avenue, opposite the northerly terminus of Vistapark Drive, to A(PD) Planned Development Zoning District. PDC 03-107
Ordinance No. 27100 adopted.

2.3 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the King and Story Road Improvements Project and the Children's Discovery Museum Enhancements, with a net impact to the fund of \$742,010. CEQA: Not a Project. Council Districts 3 and 5. (City Manager's Office)
Ordinance No. 27104 adopted.
Resolution No. 72016 adopted.

2 CONSENT CALENDAR

2.4 Approval of the Foreign Trade Zone Agreement.

Recommendation: Approval of a continuation agreement to the Foreign Trade Zone (FTZ) Agreement with San José Distribution Services to continue the term of the agreement to June 30, 2004, with no change to any other terms and conditions of the agreement. CEQA: Not a Project. (Economic Development)

Approved.

2.5 Approval of a grant agreement.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with Pacific Gas and Electric (PG&E) to conduct a Silicon Valley Energy Collaborative Program and to accept a grant in an amount not to exceed \$516,742, for the term from March 30, 2004 through June 30, 2006.

Resolution No. 72017 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:

- (1) Increase the Environmental Services Department's Personal Services appropriation by \$65,189.
- (2) Increase the Environmental Services Department's Non-personal/ Equipment appropriation by \$10,000.
- (3) Increase the estimate for Revenue from Local Agencies by \$75,189.

CEQA: Not a Project. (Environmental Services/City Manager's Office)

Ordinance No. 27105 adopted.

Resolution No. 72018 adopted.

2.6 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2003-2004 #17, and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for CEQA designation(s). (General Services)

Approved.

The open purchase order to Landscaping Maintenance Services to Coast Landscaping Management Inc. was deferred one week to April 6, 2004.

2 CONSENT CALENDAR

2.7 Approval of various actions related to the annexation of McKinley No. 109.

Recommendation: Adoption of a resolution initiating proceedings and setting April 13, 2004 at 1:30 p.m. as the date for Council consideration of the reorganization of territory designated as McKinley No. 109, which involves the annexation to the City of San José of 0.67 gross acre, located at the southeast corner of White Road and Buckner Road, and the detachment of the same from the following special districts, including: County Lighting Service, Central Fire Protection, Area No. 01 (Library Services) County Service, and County Sanitation Districts 2 and 3. CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 72019 adopted.

2.8 Approval of actions related to the absorption of vacant industrial space.

Recommendation: Adoption of the following proposed actions to amend Title 20, the Zoning Code, of the San José Municipal Code pertaining to allowing additional uses in the IP Industrial Park District:

- (a) Adoption of an urgency ordinance of the City of San José amending Section 20.50.100 of Title 20, the Zoning Code, to modify the uses allowed in the Industrial Zoning Districts; and

Ordinance No. 27106 adopted.

- (b) Adoption of a resolution initiating an ordinance of the City of San José amending Section 20.50.100 of Title 20, the Zoning Code, to modify the uses allowed in the Industrial Zoning Districts, to be heard by the Planning Commission on July 28, 2004, and setting a public hearing to be heard by the City Council on August 17, 2004 at 7:00 p.m.

CEQA: Exempt, PP04-03-073. SNI Area: All. (Planning, Building and Code Enforcement)

Resolution No. 72020 adopted.

2.9 Approval to award a contract for the King Road Improvement Project.

Recommendation: Reports on bids and award of contract for the King Road Improvement Project, from 200 feet south of Barberry Lane to King Court, to the low bidder, Golden Bay Construction, Inc., in the amount of \$244,167, and approval of a contingency in the amount of \$49,000. CEQA: Exempt, PP03-10-321. Council Districts 7 and 8. SNI: West Evergreen. (Public Works/Transportation)

Approved.

Staff directed to clearly identify Staff costs associated with future contracts.

2 CONSENT CALENDAR

2.10 Approval to award a contract for the Street Lights Neighborhood Enhancement Project.

Recommendation: Report on bids and award of contract for the Street Lights Neighborhood Enhancement Project to the low bidder, San José Signal Electric Construction Inc., in the amount of \$125,000, and approval of a contingency in the amount of \$12,500. CEQA: Exempt, PP01-02-023. Council Districts 1, 3, and 5. SNI: Washington/Winchester/Delmas Park. (Public Works)

Approved.

Staff to note for the record, Cathay Drive is in the 680/East Valley, which is a SNI area.

2.11 Approval of an agreement for the Silicon Valley-Intelligent Transportation System Infrastructure Master Plan.

Recommendation: Approval of an agreement with ThirdWave Corporation for consultant services for the development of a Silicon Valley-Intelligent Transportation System Infrastructure Master Plan, for the period February 17, 2004 to December 30, 2004, in an amount not to exceed \$180,000. CEQA: Exempt, PP00-02-026. (Transportation)

Approved.

2.12 Approval of actions for the 3rd and 4th Street Couplet Conversion Project.

Recommendation: Approval of the following actions to support implementation of the 3rd and 4th Street Couplet Conversion Project:

- (a) Approval of an agreement with BKF Engineers to provide transportation-engineering services in an amount not to exceed \$265,000.
- (b) Approval of agreements with Union Pacific Railroad for modifications to the railroad crossings on 3rd and 4th Streets in an amount not to exceed \$520,773.

CEQA: Negative Declaration, PP02-05-115. Council District 3. SNI: 13th Street.

(Transportation)

Approved.

2.13 Approval to submit a grant application for the Improvement of Education.

Recommendation:

Adoption of a resolution authorizing the City Manager to:

- (a) Submit a grant application to the United States Department of Education Fund for the Improvement of Education; and
- (b) Negotiate and execute a grant agreement not to exceed \$397,640, for a term from June 1, 2004 through June 1, 2006.

(Parks, Recreation and Neighborhood Services)

(Orders of the Day)

Resolution No. 72021 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session
Mayor Gonzales, Chair
No Report.

3.2 Report of the Rules Committee – March 17, 2004
Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 30, 2004 Draft Agenda
The Committee recommended approval of the March 30, 2004 City Council agenda with one change.
 - (2) Add New Items to March 23, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests**The Committee recommended one addition to the March 23, 2004 City Council agenda.**
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager’s report stating there are four staff reports outstanding for the March 23, 2004 Council agenda.
- (c) Legislative Update
 - (1) State
 - (a) Request to support “The Local Tax Payers and Public Safety Protection Act”
This item was reported during the March 23, 2004 Council meeting.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
There were none.
- (e) The Public Record
The Committee noted and filed the Public Record.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – March 17, 2004 (Cont'd.) Vice Mayor Dando, Chair

- (f) Appointment to Boards, Commissions and Committees
There were none.
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Manager's report on senior staff hiring
The Committee accepted the City Manager's report, with direction to Administration to return to Rules Committee in 60 days with a retrospective report from the citizen committees that participated in the Police and Fire Chiefs' recruitments.
 - (2) City Manager's report on the San José Family Camp Manager hiring process
Item 3.2(g)(1) deferred to 3/24/04 Rules Committee.
- (h) Oral communications
Clifford Hoskins from Sunnyvale, commented on diversity hiring.
- (i) Adjournment
The meeting was adjourned at 2:10 p.m.

The Rules Committee Report and the Actions of March 17, 2004, were accepted.

3.3 Report of the Making Government Work Better Committee Council Member Campos, Chair No Report.

3.4 Public Hearing on the cost of sidewalk repairs.

Recommendation: PUBLIC HEARING and adoption of a resolution confirming the report of the Directors of Finance and Transportation on the cost of sidewalk repairs, confirming the assessments contained in the report and directing the recording of liens. CEQA: Not a Project. (Finance/Transportation)

The Public Hearing was held.

Resolution No. 72022 adopted.

The Public Hearing on the cost of sidewalk repairs for Sharon L. McDonald, Property Owner was deferred to April 6, 2004.

3 STRATEGIC SUPPORT SERVICES

3.5 Acceptance of the Office of the City Auditor's Report on Sales and Business Tax Audit Results for the Quarter Ended December 31, 2003.

Recommendation: Acceptance of the Office of the City Auditor's *Report on Sales and Business Tax Audit Results for the Quarter Ended December 31, 2003*. (City Auditor)
(Rules Committee referral 3/24/04)

Reports Accepted.

3.6 Adoption of a resolution supporting the United Nations Millenium Development Goals.

Recommendation: Adoption of a resolution supporting the United Nations Millenium Development Goals. (Chavez)
(Rules Committee referral 3/24/04)

Resolution No. 72023 adopted.

Noes: Reed.

3.7 Approval of actions related to the March 2, 2004 and November 2, 2004 Elections.

Recommendation: Adoption of a resolution:

- (a) Declaring results of the March 2, 2004 Municipal Election pursuant to Elections Code Section 15400; and,
- (b) Calling for a Run-Off Election to be held November 2, 2004, setting a deadline of August 3, 2004 for ballot measures to be added to the ballot, and authorizing the City Clerk to take such actions necessary to facilitate the Election.

(Acting City Clerk)

(Deferred from 3/23/04 – Item 3.4)

Deferred to 4/6/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Building Strong Neighborhoods Committee – March 15, 2004
Council Member Chavez, Chair**

- (a) Strong Neighborhood Initiative – SNI Business Plan
The Committee recommended approval to include the edits as discussed and to accept the SNI Business Plan to move forward.
- (b) Preliminary discussion on strategy to update Greenprint
The Committee could not direct a motion due to lack of a quorum, but the consensus was to accept the report.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – March 15, 2004 Council Member Chavez, Chair (Cont'd.)

- (c) Trails Update: Discussion on Current Trails Status and Recommended Trail Development
The Committee could not direct a motion due to lack of a quorum, but the consensus was to accept the report.
- (d) Neighborhood Investment and Development Update
The Committee could not direct a motion due to lack of a quorum, but the consensus was to accept the report.
- (e) Oral petitions
There were none.
- (f) Adjournment
The meeting was adjourned at 3:36 p.m.

The Building Strong Neighborhoods Committee Report and the Actions of March 15, 2004, were accepted.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair No Report.

4.3 Approval to initiate proceedings to amend the San José Municipal Code to allow the concurrent sale of food and alcohol at gasoline service stations under certain circumstances.

Recommendation: Adoption of a resolution initiating proceedings to amend Part 7 of Chapter 20.80 of Title 20 of the San José Municipal Code to allow the concurrent sale of food and alcohol at gasoline service stations under certain circumstances, setting a public hearing on May 4, 2004 at 7:00 p.m. on a proposed ordinance, and referring the proposed amendments to the Planning Commission for report or recommendation. CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Deferred from 1/27/04 – Item 4.4 and 2/24/04 – Item 4.4)

Deferred 60 days by Rules Committee on 3/17/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval to award a contract for Improvement District No. 99-218SJ (Hellyer-Piercy).

Recommendation: Report on bids and award of contract for Improvement District No. 99-218SJ (Hellyer-Piercy), Contract #3 to the low bidder, Granite Construction, in the amount of \$2,595,964, and approval of a contingency in the amount of \$390,000. CEQA: Resolution No. 69699. Council District 2. (Public Works)
(Deferred from 3/16/04 – Item 4.4)

Approved.

4.5 Approval of actions for the Industrial Use Designation (Getting Families Back to Work Initiative).

Recommendation: Approval of an ordinance amending Section 4.46.050 of Chapter 4.46 of Title 4 of the San José Municipal Code to:

- (a) Clarify the industrial use designation for buildings or structures subject to collection of Building and Structure Construction Taxes;
- (b) Add certain industrial uses to the expanded list for the purpose of collecting Building and Structure Construction Taxes;
- (c) Clarify the procedures to collect taxes for building permits that are issued separately for building shell and the first tenant improvements.

CEQA: Not a Project. (Planning, Building and Code Enforcement/Economic Development)

Deferred to 4/6/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Approval of an agreement for the Coyote Valley Specific Plan, Design Guidelines, and Zoning Districts.

Recommendation:

- (a) Adoption of the following appropriation ordinance and funding sources resolution amendments in the General Fund:
 - (1) Increase the City-Wide appropriation for the Coyote Valley Specific Plan by \$2,000,000; and
 - (2) Increase the estimate for Other Revenue by \$2,000,000.
- (b) Take the following actions in regard to the preparation of the Coyote Valley Specific Plan:
 - (1) Approval of a consultant agreement with the Dahlin Group land planning and urban design team to prepare the Coyote Valley Specific Plan, Design Guidelines, and Zoning Districts for an amount not to exceed \$2,000,000.
 - (2) Delegate the authority to approve minor amendments to the consultant agreement to the Director of Planning, Building and Code Enforcement to account for increases in funding received from Coyote Housing Group, LLC and minor schedule or task changes that are necessary to conform to the City Council's Vision and Expected Outcomes for the Coyote Valley Specific Plan, and delegate to the Director the authority to extend the term of this agreement for up to 12 months to ensure the successful completion of this planning effort.

CEQA: Exemption, PP03-06-211. Council District 2. (Planning, Building and Code Enforcement)

Deferred to 4/6/04.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of the Employment Lands Conversion Framework.

Recommendation:

- (a) Approval of a framework for evaluating proposed conversions of employment lands, including direction for the City's key employment subareas and criteria to evaluate individual proposals; and
- (b) Direction to staff to utilize the Framework approved by the City Council when analyzing proposed conversions of employment lands to other uses.

CEQA: Not a Project. SNI: All. (City Manager's Office)

The memorandum from Mayor Gonzales, and Council Member Reed, dated March 25, 2004, was approved, with the Staff recommendation revised to: (a) Approve a Framework, and Attachment 1 as a “guideline” for Evaluating Proposed Conversions of Employment Lands, including direction for the City’s key employment subareas and criteria to evaluate individual proposals; (b) Direct Staff to utilize the Framework approved by the Council as a “guideline” when analyzing proposed conversions of employment lands to other uses, including the following additions:

- (1) Evaluation of the fiscal impact of the conversion on City revenues and service costs must be the highest priority.**
- (2) Under Framework Elements, Item #2 regarding subareas to promote or facilitate conversion to housing, retail, mixed use or other Household-Serving Industries, delete the reference to North San José 5.**
- (3) Under Framework Elements, Item #3 regarding subareas to consider for conversion to housing, retail, mixed use or other Household-Serving Industries in certain circumstances, add:**
 - North San José 5 Subarea east of I-880: Consider housing in areas that are close to existing residential areas and areas that could be integrated into a neighborhood framework.**
 - Northeast San José Subarea east of Coyote Creek: Consider housing near the Berryessa BART station consistent with our Transit Oriented Development policies.**
 - Evergreen Industrial Area: Consider uses if recommended through the Evergreen Smart Growth Strategy process.**
 - Coyote Valley: Consider uses if recommended through the Coyote Valley Specific Plan process.**
- (4) Add the language noted below to Framework Elements #2, first bullet: As the employment areas intensify in North First Street and Edenvale 2, respectively, then opportunities for (insert: *intensive development of*) supportive uses may be considered in the following subareas.**
- (5) Under: *Subareas to preserve for Driving and Business Support Industries*, define Northeast San José as west of Coyote Creek, and add North San José 5 west of 880.**

(Item continued on the next page)

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Approval of the Employment Lands Conversion Framework (Cont'd.)

(6) Under Framework Applications add:

- The criteria are not in rank order. They are not scored to a point system and the weight of the individual criterion may vary by site based on individual circumstances and changing background information.
- Conversions that present opportunities for development of significant new sources of revenue may be considered in any subarea in which the development would be compatible with existing or planned uses in the subarea.

(7) The review and discussion on the memorandum coauthored by Council Members Cortese and Williams, dated March 30, 2004; and the memorandum coauthored by Council Members Chavez and Gregory, dated March 30, 2004, regarding the Employment Lands Conversion Framework, were deferred to April 6, 2004.

(8) Staff directed to return with a memorandum that clarifies the process for distribution of memoranda, and other documentation before Council Meetings.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5.2 Approval to award a contract for the San Tomas Aquino/Saratoga Creek Trail Reach 6 Project.

Recommendation: Report on bids and award of contract for the San Tomas Aquino/Saratoga Creek Trail Reach 6 Project to the low bidder, Granite Rock Company dba Pavex Construction Division, in the amount of \$1,833,000, and approval of a contingency in the amount of \$183,300. CEQA: Addendum to Negative Declaration, PP03-03-084, March 27, 2003. Council District 1. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair No Report.

6 TRANSPORTATION SERVICES

6.2 Report on Request for Quotation for asphalt street repair materials.

Recommendation: Report on Request for Quotation (RFQ) and authorization for the Director of General Services to execute open purchase orders to the following vendors:

- (a) Raisch Company in the amount of \$1,072,400;
- (b) Granite Rock, in the amount of \$464,705; and
- (c) Reed & Graham, in the amount of \$690,040.

CEQA: Exempt, PP04-041. (General Services)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval to award a contract for the Water Pollution Control Plant.

Recommendation: Report on bids and award of contract for the construction project entitled “San José/Santa Clara Water Pollution Control Plant, FY 2003/2004 Capital Improvement Program, MCC G1, G2, and DAFT Console ‘A’ Replacement Project” to the low bidder, Rosendin Electric Incorporated, in the amount of \$1,096,346, and approval of a contingency in the amount of \$165,000, for a total not to exceed amount of \$1,261,346. CEQA: Exempt, PP04-02-036. (Environmental Services)

Approved.

Staff directed, for future reporting, to provide an explanation when the contingency amount for a contract is over ten percent.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 4:51 p.m. to consider Item 10.1 in a Joint Session.

10.1 Approval of actions for the San José Child Care Facility Development Project.

Recommendation:

- (a) Adoption of an appropriation ordinance and funding source resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) by the City Council to:
 - (1) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the San José Child Care Facility Development Project (PSM 345) by \$856,000.
 - (2) Increase the estimate for Earned Revenue by \$856,000.

Ordinance No. 27107 adopted.

Resolution No. 72024 adopted.

Disqualified: Chavez.

- (b) Adoption of a resolution by the City Council authorizing the City Manager to negotiate and execute an agreement with San José Day Nursery in an amount not to exceed \$856,000 for the development and renovation of San José Day Nursery's existing facilities located at 33 North Eighth Street, San José, CA 95112 to be operated as a Smart Start San José Early Care and Education Center for a term ending June 30, 2018.

Resolution No. 72025 adopted.

Disqualified: Chavez.

- (c) Adoption of a resolution by the Redevelopment Agency Board authorizing the Interim Executive Director to negotiate and execute an agreement with the City and San José Day Nursery, providing for the Agency's monitoring of the design and construction of San José Day Nursery's Project.

CEQA: Exempt, PP04-03-062. Council District 3. (City Manager's

Office/Redevelopment Agency)

(Deferred from 3/16/04 – Item 10.2)

Redevelopment Agency Board Resolution adopted.

Disqualified: Chavez.

The Redevelopment Agency Board portion of the meeting was adjourned at 4:54 p.m.

- **Closed Session Report**

City Attorney Doyle disclosed the following Closed Session action(s) of March 30, 2004:

A. Authority to Seek Further Appellate Review or Relief in a Litigation Case:

Case Name: State of California *ex rel.* Arementa, et al. vs. James Jones Company, et al.

Adverse Party or parties: James Jones Co. and Watts Industries, Inc.

Substance of Litigation: This is a False Claims Act lawsuit involving allegations that James Jones Co. and Watts Industries, Inc. knowingly supplied, or caused distributors to supply, substandard water works parts to California public water systems.

Council Vote: Ayes: Nora Campos, Cindy Chavez, Judy Chirco, David Cortese, Pat Dando, Terry Gregory, Linda LeZotte, Chuck Reed, Forrest Williams, Ken Yeager; Ron Gonzales.

Noes: None.
Disqualified: None.
Absent: None.

- **Notice of City Engineer's Pending Decision on Final Maps**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9528	Aborn Road & Mosher Drive	8	Pinn Brothers/Blossom Valley Investors Inc.	26 units	SFD	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- **Open Forum**
 - (1) Mark Trout spoke on the issue of same sex marriage.**
 - (2) Marc Boyd spoke on the issue of the closure of San José Medical Center.**
 - (3) Ross Signorino commented that according to the San José Mercury, children learning English are showing improvement; and spoke of the recent deaths of two great actors.**

- **Adjournment**
 - The Council of the City of San José was adjourned at 5:00 p.m.**